

NUTTALL, MACAVOY & JOYCE, P.C.

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October 5, 2021

Via email only

Sondra Edwards, Title IX Coordinator
Framingham Public Schools
19 Flagg Drive
Framingham, Massachusetts 01702

Re: Special Education and General Education Representation

Dear Ms. Edwards:

Thank you for your interest in the firm of Nuttall, MacAvoy & Joyce, P.C. and our expertise in the areas of special education and general education law. I have enclosed a list of clients that the firm currently represents, a newsletter, and a summary of the workshops and seminars we have conducted during the previous school year.

Nuttall, MacAvoy & Joyce, P.C. has extensive experience in the representation of public school districts in all aspects of school law. In contrast to other law firms, school law is not just a "sideline" business or one of many practice areas for our firm. Our attorneys focus exclusively on school law issues and have more than sixty-five years of combined experience representing public schools in federal and state courts and before administrative agencies, including in excess of one hundred hearings before the Bureau of Special Education Appeals.

Our firm provides advice and counsel to clients on all aspects of special education law, including such issues as accommodations, auxiliary services, autism, IEPs, student discipline, manifestation determinations, transition planning, graduation, athletics, compensatory education, student records, least restrictive environment, out-of-district and residential placements, transportation and settlement agreements. In addition, our firm

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regularly represents clients in due process hearings, IEP Team meetings, mediation, and before the state and federal departments of education.

Nuttall, MacAvoy & Joyce, P.C.'s comprehensive representation of public schools also includes regular education assistance and counsel in matters of: student discipline; bullying prevention and intervention; discriminatory harassment based on race, color, national origin, disability, gender, sexual orientation, gender identity, and religion; constitutional law, including teacher and student free speech rights; student records and privacy rights; policy review, development and analysis; and professional development for staff and administrators.

The firm's founding member, Thomas J. Nuttall, brings a wealth of experience in special education and school litigation, having represented numerous clients in hundreds of hearings and mediations before the Bureau of Special Education Appeals, Massachusetts District and Superior Courts, the United States District Court, First Circuit Court of Appeals, and the United States Supreme Court for the last thirty-five years. In addition, Attorney Nuttall has assisted numerous clients in investigations conducted by the federal Office for Civil Rights and advised clients in their own internal investigations relative to alleged civil rights violations. Attorney Nuttall has lectured extensively throughout the Commonwealth before school districts, collaboratives and private vendors regarding special education, discipline, civil rights and other related educational issues.

Matthew MacAvoy is a former Bureau of Special Education Appeals Hearing Officer and an attorney with more than twenty years experience representing clients in educational disputes and litigation. Attorney MacAvoy has served as a federal Mental Health Protection & Advocacy attorney and as an enforcement attorney with the Judicial Conduct Commission. Since leaving the Bureau of Special Education Appeals, Attorney MacAvoy has specialized in the representation of public school districts, charter schools and educational collaboratives across the Commonwealth in regard to special education and general education matters. Attorney MacAvoy is a frequent speaker at conferences and training sessions for professionals on issues pertaining to bullying, discipline, special education and disability law.

Michael J. Joyce is a former public school teacher and currently an attorney with Nuttall, MacAvoy & Joyce, P.C. specializing in general education and special education law in public schools. Prior to joining the firm, Mr. Joyce served as a Civil Rights

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Attorney for the United States Department of Education's Office for Civil Rights (OCR), conducting investigations and trainings throughout New England concerning a wide range of civil rights issues arising in public schools, including the enforcement of Section 504 and the federal statutes pertaining to harassment and discrimination based on race, color, national origin, gender and age. Before working for OCR, Mr. Joyce served as prosecuting attorney in the Gang Unit of the Suffolk County District Attorney's Office, conducting dozens of trials and evidentiary hearings with a specialized focus on gun violence and firearms prosecution. Mr. Joyce also served as a law clerk to the Justices of the Massachusetts Superior Court. Prior to pursuing a legal career, Mr. Joyce taught for three years in public elementary schools as a member of Teach for America during which time he was nominated for Teacher of the Year. Mr. Joyce graduated from Boston College Law School and holds a Master's Degree in Educational Administration from the Lynch School of Education at Boston College. From 2008-2011, Mr. Joyce taught legal research and writing at Northeastern School of Law, and, from 2011-2015, he served as an Adjunct Professor at the Lynch School of Education and Boston College Law School where he taught a graduate level course on education law and policy. Mr. Joyce has conducted dozens of presentations on educational law, including presentations to local, regional and national audiences, as well as conducting several audioconferences through LRP and presenting at the *LRP 36th Institute on Legal Issues of Educating Individuals with Disabilities* (2015); the *LRP School Attorney's Conference* (2015 & 2016); *Section 504 Eligibility Rules Deciphered* for LRP in 2018.

Leigh Mello joined Nuttall, MacAvoy & Joyce, P.C. in 2015. After graduating from Boston College Law School, she practiced in the field of disability law for ten years as a Protection and Advocacy attorney, and then worked in higher education as a full-time faculty member at Suffolk University Law School and as an adjunct instructor at Curry College. She has taught courses in Disability Law, Legal Practice, Employment Law, and Health Law, and she has led numerous trainings on issues pertaining to special education, disability law, and inpatient and community mental health services. Attorney Mello served as Chair of the Department of Mental Health Human Rights Advisory Committee and as an Advisory Board Member of Suffolk University's Center for Teaching and Scholarly Excellence. She is a contributing author to two editions of the MCLE text, *Legal Rights of Individuals with Disabilities*.

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Kelsey Porcello is an associate with Nuttall, MacAvoy, & Joyce, P.C. Prior to joining the firm, Kelsey served as a law clerk to the justices of the Massachusetts Juvenile Court in Worcester, Essex, Norfolk, and Middlesex counties, where she assisted judges in drafting decisions and findings in civil child welfare matters and delinquency proceedings. During law school Kelsey was a student attorney in the Juvenile Rights Advocacy Project for two years. She also interned with the Committee for Public Counsel Services' Children and Family Law Division and the Massachusetts Attorney General's Civil Rights Division. Prior to attending law school Kelsey worked as a paralegal/intake coordinator for Health Law Advocates and in victim services at the Massachusetts Attorney General's Office and Massachusetts Office for Victim Assistance. Kelsey is a graduate of Boston College Law School and Northeastern University.

Craig F. Kowalski is an associate with Nuttall, MacAvoy & Joyce, P.C. who represents school districts on general education and special education matters. Prior to joining the firm, Craig committed himself to public service as an Assistant District Attorney at the Norfolk County District Attorney's Office for fifteen years. As an experienced and distinguished member of the District Attorney's Homicide Team, Craig investigated and prosecuted numerous murder cases from crime scene to jury trial, and also handled cases involving other major violent felonies, drug trafficking offenses, sexual assaults, and crimes involving child victims. During his last two years, Craig served as Senior Trial Counsel, where he mentored and advised all the office's attorneys with their investigations and prosecutions at all stages of cases in Superior and District courts while maintaining a busy caseload of his own. A recognized leader in the area of professional responsibility, Craig has taught at Boston College Law School as an adjunct professor for a course on Prosecutorial Ethics. Craig has also been a guest lecturer at Boston College Law School for criminal law courses where he has been invited to speak about various topics including mental health issues in criminal cases and trial strategy. Craig is a proud graduate of Whitman-Hanson Regional High School and later went on to serve as an elected member of the Whitman-Hanson Regional School Committee. Following his graduation from Boston College with a Bachelor of Arts in History, Craig enrolled in the dual degree program in law and education at Boston College Law School and the Lynch Graduate School of Education, eventually earning both a J.D. and an M.A. in Higher Education Administration.

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At present, our fee schedule for general and special education matters is \$215.00 per hour. In an effort to keep our clients better informed concerning legal expenses, we currently bill all of our municipal clients on a monthly basis. A reminder is automatically forwarded on all accounts that have outstanding balances after forty-five days. Further, we provide six months written notice in advance of any anticipated rate increase. Upon the request of individual clients, the firm has agreed to accept legal fee retainers upon mutually acceptable terms.

You will note from the enclosed that our firm considers the representation of public educational programs to be an integral part of our practice. To that end, we have equipped ourselves with the most up to date computerized legal research system which gives us instantaneous access to all applicable decisions which, in combination with our paraprofessional, clerical and research personnel, allows us to minimize our turnaround time on opinion letters, agreements, briefs and written documentation of all types.

In short, it is our feeling that our clients receive the most effective and cost-efficient legal representation available in the Commonwealth today.

Should you have any questions, or should you desire any further information, please do not hesitate to contact us.

Sincerely,

Michael J. Joyce

MJJ/slb
Enclosures

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